

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

**JOSEPH B. HOLLAND, JR.; and JOE
HOLLAND CHEVROLET, INC., a
West Virginia Corporation,**

Plaintiffs,

v.

Civil Action No. 2:13-cv-15487

**THE UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES, et al.,**

Defendants.

JOINT NOTICE OF SETTLEMENT

Plaintiffs and Defendants, by counsel, state the following in regards to the status of this civil action:

1. The Court issued an Injunction and Judgment Order on May 29, 2015, ordering, *inter alia*, that any petition by Plaintiffs for attorney's fees or costs shall be submitted on or before 60-days (or the next business day if that day falls on a weekend or court holiday) from the date this judgment is issued. *Injunction & Judgment Order* (ECF No. 52). This Injunction and Judgment Order decided and fully resolved all issues in controversy except for Plaintiffs' claim for attorney's fees and costs.

2. By Order dated October 7, 2015, the Court granted a Joint Motion for Extension of Time for the Parties to reach an agreement regarding Plaintiffs' claim for attorney's fees and costs, or for Plaintiffs to submit a petition for attorney's fees and costs by October 12, 2015 (ECF No. 56).

3. Plaintiffs and Defendants have reached an agreement on Plaintiffs' claim for attorney fees and costs, and have executed a settlement agreement setting forth the terms of this agreement.

WHEREFORE, Plaintiffs and Defendants wish to advise the Court that all issues in controversy between the Parties have been fully resolved.

JOSEPH B. HOLLAND, JR., and JOE HOLLAND CHEVROLET, INC.

By Counsel

/s/ Allen R. Prunty

Allen R. Prunty (WV Bar # 2989)
ROBINSON & MCELWEE, PLLC
700 Virginia Street, East – Suite 400
Charleston, West Virginia 25301
(304) 344-5800
arp@ramlaw.com

and

Jeremiah G. Dys (WV Bar #9998)
Senior Counsel
Liberty Institute
2011 West Plano Parkway – Suite 1600
Plano, Texas 75075

AGREED:

/s/ Michelle R. Bennett
Michelle R. Bennett (CO Bar #37050)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W. – Room 7310
Washington, D.C. 20530
(202) 305-8902
michelle.bennett@usdoj.gov
Counsel for United States Department of Health and Human Services; Sylvia Burwell, Secretary of the United States Department of Health and Human Services; United States Department of Labor; Thomas E. Perez, Secretary of the United States Department of Labor; United States Department of the Treasury; and Jacob J. Lew, Secretary of the United States Department of the Treasury

CERTIFICATE OF SERVICE

I, Allen R. Prunty, counsel for Plaintiffs Joseph B. Holland, Jr., and Joe Holland Chevrolet, Inc., hereby certify that on the 28th day of October 2015, I filed the foregoing Joint Notice of Settlement with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Michelle Renee Bennett and Stephen M. Horn, counsel for Defendants.

/s/ Allen R. Prunty

Allen R. Prunty (WV Bar #2989)
ROBINSON & MCELWEE, PLLC
700 Virginia Street, East – Suite 400
Charleston, West Virginia 25301
(304) 347-8307